

P-1600/CT-92-114 ORDER PARTIALLY RESCINDING CERTIFICATE OF
AUTHORITY AND GRANTING PERMANENT PAY TELEPHONE AUTHORITY

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Don Storm
Tom Burton
Cynthia A. Kitlinski
Dee Knaak
Norma McKanna

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of the Initial
Application of Man-U-Fax-Sure
for Customer-Owned Pay Telephone
Service in Minnesota

ISSUE DATE: April 7, 1993

DOCKET NO. P-1600/CT-92-114

ORDER PARTIALLY RESCINDING
CERTIFICATE OF AUTHORITY AND
GRANTING PERMANENT PAY TELEPHONE
AUTHORITY

PROCEDURAL HISTORY

On February 11, 1992, Man-U-Fax-Sure (the Company) filed an application for Commission authority to provide both traditional pay telephone service and pay fax services over self-service machines designed to perform both functions.

On June 26, 1992, the Commission issued its ORDER GRANTING INTERIM AUTHORITY. In that Order the Commission granted the Company an interim certificate of authority to provide pay fax and pay telephone services, provided that its rate for local telephone service not exceed \$0.25 per call. The Commission noted that it was simultaneously opening an investigation of pay fax services under another docket. In the Matter of a Commission Initiated Investigation into the Provision of Fax Services to the Public for Hire, Docket No. P-999/CI-92-523, ORDER INITIATING GENERIC INVESTIGATION INTO FAX FOR HIRE (June 26, 1992). The Commission stated that the Company's interim authority was granted pending the outcome of the Commission's investigation.

On April 7, 1993, the Commission issued its ORDER DETERMINING STATUS OF FAX SERVICES in the investigation docket. In that Order the Commission made the following determinations regarding pay fax services and related pay telephone service:

1. Fax transmissions are not telephone services and are thus not subject to Commission jurisdiction.
2. Use of pay telephone equipment which is attached to a stand-alone fax machine and which can be substantially and independently used to complete two-way telephone communication, for which a separate charge is applied, is telephone service subject to Commission jurisdiction.

3. Use of pay telephone equipment which is attached to a stand-alone fax machine and which can only be used in conjunction with it, for which no separate charge is applied, is not telephone service.

Because the Company's certificate of authority to provide pay fax and pay telephone service was granted on an interim basis, pending the outcome of the Commission's pay fax investigation, the Company's interim certificate was considered by the Commission along with the investigation docket, on March 30, 1993.

FINDINGS AND CONCLUSIONS

In the pay fax investigation docket, the Commission found that it does not have jurisdiction over pay fax services in Minnesota. The Commission will therefore rescind the portion of the Company's interim certificate which grants authority to provide pay fax services.

The Company's interim certificate also grants authority to provide pay telephone service. The Order granting interim authority indicated that the Company's pay telephone service is independent of the fax component of its pay fax machines. The Commission's ORDER DETERMINING STATUS OF FAX SERVICES in the fax investigation docket clarified that this type of pay telephone service is subject to Commission jurisdiction:

Use of pay telephone equipment which is attached to a stand-alone fax machine and which can be substantially and independently used to complete two-way telephone communication, for which a separate charge is applied, is telephone service subject to Commission jurisdiction.

Order at p. 5.

The Commission will therefore continue to assert its authority over the Company's provision of pay telephone service. Because the questions of Commission jurisdiction have been resolved in the investigation docket, there is no barrier to allowing the Company permanent authority to provide pay telephone service. The Company must continue to abide by requirements governing pay telephone service, as established in regulations and Commission precedent.

ORDER

1. The Company's interim authority to provide pay fax service is rescinded.
2. The Company's interim authority to provide pay telephone service is converted to permanent authority, provided that the Company is in compliance with requirements governing pay telephone service, as established in regulations and Commission precedent.
3. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Richard R. Lancaster
Executive Secretary

(S E A L)